

**REMARKS**

This response responds to the Office Action dated October 8, 2008, in which the Examiner rejected claims 1-10 under 35 U.S.C. § 102(a).

Applicants respectfully point out that box 12(a)3 should be indicated on PTOL-326 rather than box 12(a)1.

Claims 1-10 were rejected under 35 U.S.C. § 102(a) as being anticipated by *Sugawara* (EP 1,467,310).

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. § 102(a). The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

Applicants respectfully point out that the present application claims priority from Japanese applications 2003-002675 filed January 8, 2003, and 2003-156072 filed May 30, 2003. Furthermore, the present application is a national stage application of PCT/JP2004-000035 filed January 7, 2004. Additionally, Applicants respectfully point out that *Sugawara* was published on October 13, 2004, which is after the priority date of the PCT as well as after the Japanese priority. Therefore, Applicants respectfully point out that *Sugawara* is not a proper reference.

Additionally, Applicants respectfully point out that one of the present inventors is the same inventor as that of the European application. Additionally, the Applicants of the present application, as well as the Applicant in the European application, were under an obligation to assign their invention to Sony Corporation. Thus, *Sugawara* is not a proper reference under 35 U.S.C. § 102(a), (b), (e), or under 35 U.S.C. § 103. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 1-10 under 35 U.S.C. § 102(a).

Applicants respectfully point out to the Examiner that the corresponding U.S. application to EP 1467310 is U.S. Publication No. 2003/0137859.

Since withdrawn claims 11-24 depend from an allowable claim, Applicants respectfully request the Examiner withdraws the restriction thereto.

The prior art of record, which is not relied upon, is acknowledged. The references taken singularly or in combination do not anticipate or make obvious the claimed invention.

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

**CONCLUSION**

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

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